

REMARKS

Claims 1-18 are pending in this application. No claim amendments have been made in response to the instant Office Action.

ALLOWABLE SUBJECT MATTER

Applicant gratefully acknowledges the Examiner's indication that claims 9-15 are allowed and that claims 2-8 and 17-18 would be allowable if rewritten in independent form to include all the limitations of the base claim, and any intervening claims.

Applicants reserve the right to rewrite the allowable claims in independent form in a subsequent response or communication.

REJECTION UNDER 35 U.S.C. § 103

Reconsideration is respectfully requested of the rejection of claims 1 and 16 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,703,901 ("Jovenin") in view of U.S. Patent No. 6,236,703 ("Riley").

In contrast to the Examiner's conclusions, Applicant respectfully submits that claims 1 and 16 are patentable over the cited references.

Claim 1 recites, *inter alia*, that a value is selected from at least three integers, and that frequency is divided using the selected value. A value input to a sigma-delta modulator is added to an internal feedback value, and the added value is accumulated value to be quantized to at least three levels.

Claim 16 recites, *inter alia*, that a value is selected from a plurality of integers, and that frequency is divided using the selected value. A value input to the modulator is added to an internal feedback value, and the added value is accumulated to be quantized to a plurality of levels.

In accordance with the claimed embodiments, the sigma-delta modulator adds the input value and the feedback value, accumulates the added value, quantizes the accumulated value with a plurality of levels (e.g., 3 or more), and then decides a division ratio by selecting one among the plurality of (e.g., 3) integers.

In contrast to the claimed embodiments, the frequency divider in Jovenin is activated according to a command from a fractional component (k), and frequency is not divided by the selected value as claimed. See Jovenin, col. 6, lines 15-22.

Further, in contrast to the claimed embodiments, the delta-sigma modulator in Riley comprises a dead-zone quantizer and an error shaping digital filter, which differs with respect to configuration and operation from the claimed modulator.

Accordingly, Applicant respectfully submits that claims 1 and 16 are patentable over the cited references, and request that the Examiner withdraw the rejection of claims 1 and 16 under 35 U.S.C. § 103.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicant's Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael F. Morano", written over a horizontal line.

Michael F. Morano
Reg. No. 44,952
Attorney for Applicant

F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, NY 11797
(516) 692-8888